



#6

Patent  
Attorney's Docket No. 000270-026

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
 )  
Steven L. STICE et al ) Group Art Unit: 1636  
 )  
Application No.: 09/394,902 ) Examiner: Unassigned  
 )  
Filed: September 13, 1999 )  
 )  
For: CLONING PIGS USING DONOR CELLS )  
OR NUCLEI FROM DIFFERENTIATED )  
CELLS (SOMATIC OR GERM CELLS )  
AND PRODUCTION OF PLURIPOTENT )  
PORCINE CELLS BY NUCLEAR )  
TRANSFER )

**PETITION UNDER 37 C.F.R. §1.47(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The above-identified Patent Application was filed, and Applicants respectfully request that it be accorded pursuant to 37 C.F.R. §1.47(a) status. This Application was filed on September 13, 1999, without a signed Declaration and Assignment by the inventors, which are Steven L. Stice, Jose Cibelli, James Robl, and Paul Golueke. This Petition is necessary because two of the joint inventors, i.e., Paul Golueke and Steven L. Stice, have refused to sign the Declaration pursuant to 37 C.F.R. §1.63.

In support of this Petition, Applicants enclose the following:

07/24/2001 554LEKU 00000004 024800 09394902  
01. 130.00 CH

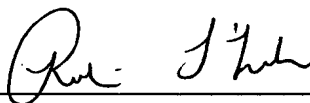
- (1) Declaration Pursuant to 37 C.F.R. §1.63 signed by the remaining joint inventors on behalf of themselves and the non-signing inventor;
- (2) Declaration of Facts by the undersigned, substantiating that the above-identified Application, Declaration and Assignment papers were provided to Paul Golueke and Steven L. Stice at their current addresses; that these papers were received by Paul Golueke and Steven L. Stice; and that they refused to sign these papers after receipt.

Also, the requisite fee of \$65.00 is provided in accordance with 37 C.F.R. §1.17(h), as well as the four month Extension of Time fee of \$680.00, in accordance with 37 C.F.R. §1.16(e), which is required for the late filing of the signed Declaration.

It is respectfully requested, based on the provided information, that this Patent Application be accepted pursuant to 37 C.F.R. §1.47(a) because Applicants have fully complied with the requirements of 35 U.S.C. §116, second paragraph, and 37 C.F.R. §1.47(a).

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
\_\_\_\_\_  
Robin L. Teskin  
Registration No. 35,030

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Date: April 6, 2000

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September 14, 1999

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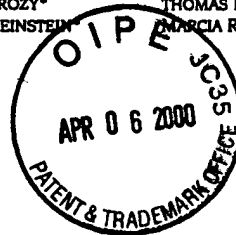
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\* BARS OTHER THAN VA,  
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Re: New U.S. Patent Application Filed September 13, 1999  
(CIP of Serial No. 08/888,057), "Cloning Pigs Using Donor  
Cells or Nuclei from Differentiated Cells (Somatic or Germ  
Cells) and Production of Pluripotent Porcine Cells  
By Nuclear Transfer", Inventors: Steven L. STICE et al  
U MASS Reference: ACT 97-012  
Our Reference: 000270-026

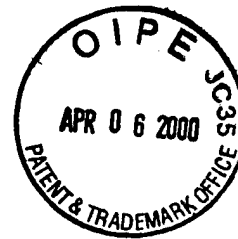
Dear Mike:

Please be advised that the above-identified application was filed in the U.S. Patent and Trademark Office on September 13, 1999. A set of the as-filed documents is enclosed for your records.

This application was filed after a telephonic discussion and approval by Dr. Cibelli.

Further enclosed are forms of Declaration and Power of Attorney, and Assignment, for execution by the inventors and return to us for filing in the U.S. Patent and Trademark Office in response to the forthcoming Notice to File Missing Parts.

Michael D. West, Ph.D.  
Advanced Cell Technology  
September 14, 1999  
Page 2



If you, or anyone substantively involved with the application, are aware of any prior art information not previously called to our attention, please provide us with such information so that we may submit it to the U.S. Examiner for his consideration. This prior art information is requested to enable us to comply with the information disclosure provisions of 37 C.F.R. §1.56. Please note that the U.S. Patent and Trademark Office also encourages applicants to supply prior art cited in search reports issued in corresponding applications filed outside the United States.

Further note that information disclosure statements should be submitted within **three months** of filing the U.S. application, from the date of issuance of a non-U.S. search report, or of anyone substantively involved in the application becoming aware of prior art information, in order to reduce the possibility of incurring additional government fees.

A copy of the filing particulars will be sent to you in due course.

West best personal regards.

Very truly yours,

BURNS, DOANE, SWECKER & MATHIS, LLP

*Robin L. Teskin*  
Robin L. Teskin

RLT:crk  
Enclosures

cc: E. Bradley Moynahan, Ph.D.  
University of Massachusetts  
(with enclosure)

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September 27, 1999

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**VIA COURIER**

Re: New U.S. Patent Application Filed September 13, 1999  
(CIP of Serial No. 08/888,057), "Cloning Pigs Using Donor  
Cells or Nuclei from Differentiated Cells (Somatic or Germ  
Cells) and Production of Pluripotent Porcine Cells  
By Nuclear Transfer", Inventors: Steven L. STICE et al  
U MASS Reference: ACT 97-012  
Our Reference: 000270-026

Dear Deborah:

Per your conversation with Charlotte Kaminsky, enclosed please find a Declaration and Assignment for execution by James Robl and Paul Golueke.

West best personal regards.

Very truly yours,

BURNS, DOANE, SWECKER & MATHIS, LLP

*Robin L. Teskin/Kd*  
Robin L. Teskin

RLT:kdd  
Enclosures

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Re: U.S. Patent Application Serial No. 09/394,902  
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"Cloning Pigs Using Donor Cells or  
Nuclei from Differentiated Cells..."  
U MASS Reference: ACT 97-012  
Our Reference: 000270-026

Dear Mr. Golueke:

We kindly request your execution on the enclosed Combined Declaration and Assignment documents. Please return the signed documents to us at your earliest convenience; however, no later than February 6, 2000.

If any questions arise, please do not hesitate to contact me. Your prompt assistance in this matter is appreciated.

Very truly yours,

BURNS, DOANE, SWECKER & MATHIS, LLP

*Robin L. Teskin/Kcd*  
Robin L. Teskin

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Enclosures

**VIA COURIER**

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February 17, 2000

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*Robin L. Teskin/ka*

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Enclosure